

## Harrison, Frank

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**From:** Harrison, Frank  
**Sent:** Monday, December 28, 2020 8:06 AM  
**To:** 'Andrew K. Glenn'  
**Cc:** 'Olga Lucia Fuentes Skinner'; 'Marissa E. Miller'; 'Paslawsky, Alexandra'; 'Pocha, Madhu'  
**Subject:** RE: Ambac/Milliman

Andrew:

Please confirm receipt.

Thank you,

Frank

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**From:** Harrison, Frank  
**Sent:** Thursday, December 24, 2020 3:47 PM  
**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

Andrew et al.:

Attached are the examples, which I am designating confidential under the attached protective order. Please advise on continuing the motion by Monday.

Frank

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**From:** Harrison, Frank  
**Sent:** Wednesday, December 23, 2020 1:32 PM  
**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman  
**Importance:** High

Andrew:

The "assumptions" referenced on page 58 of the report are not actuarial assumptions; they are means of filling gaps in or correcting certain issues in the census data as agreed upon by Milliman and its client. To make up an example: if the census data was missing dates of birth for some members, Milliman would ask the client whether the client would prefer to provide the missing dates of birth or whether Milliman should assume a date of birth (for instance, based on an average age of the members in each group). We are working to run down illustrative e-mails that set forth these processes and I will provide you an example e-mail as soon as I have it, hopefully this week. If you and your actuary want to digest that example, let's have another call middle of next week. To your other questions: Milliman's file for the Commonwealth is very voluminous (I don't know if it's terabytes, but it will be many, many gigabytes), and Milliman does not run death audits for this client.

Please let me on Monday or before if Ambac can agree to continue its motion for formal discovery for a month. I need that agreement before fast-tracking my client to provide the e-mails related to the census data edits (beyond the example) and edited census data, during a busy time of year, while your motion has a looming response deadline. Once we agree that is continued, I will work to get you the other e-mails as quickly as I can, I expect in a week or two.

Happy holidays,

Frank

**Frank S. Harrison**

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**WASHINGTON OREGON**

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**From:** Harrison, Frank

**Sent:** Tuesday, December 15, 2020 3:03 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Andrew:

I can make anytime Monday work.

Frank

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Sent:** Tuesday, December 15, 2020 11:55 AM

**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Mr. Harrison,

If you want to resolve this consensually, we should schedule a telephonic meet and confer. Please let me know if you are willing to do so, and when you would be available.

All rights reserved.

Andrew

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]

**Sent:** Friday, December 11, 2020 5:13 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky,

Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Andrew:

I assume Ambac has not retained an actuary given the radio silence on my last e-mail a couple weeks before the Thanksgiving holiday (hope you had a nice one by the way). I understand that Ambac is nonetheless now seeking formal discovery to Milliman. Any sort of formal discovery is going to be unproductive and an undue burden on Milliman without Ambac having an actuary to help it understand Milliman's work. For instance, Ambac claims on pages 12 of its motion that it is "left guessing" about how Milliman arrived at changes in net pension liability, but the changes are explained in the report (at pages 4-7 of the report). Likewise, on page 11 of the motion, Ambac (mis)represents to the Court that the report does not provide insight into the data editing process when there is a lengthy description of that at pages 58-59 of the report. Bottom line, Ambac has already has the information it claims to seek, it apparently just doesn't understand it.

In a last attempt to short-circuit some unnecessary costs, Milliman is willing to review and answer what questions it can in writing without asking Ambac to waive any rights to further discovery (and without Milliman waiving any rights to object to it). Also, Milliman can agree to provide the edited census data it relied on to Ambac subject to Ambac executing an appropriate third-party release. Please let me know if Ambac can agree to trying that approach.

Frank

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**From:** Harrison, Frank

**Sent:** Monday, November 16, 2020 4:38 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

It impacts Milliman's view of whether discovery, formal or informal, will be productive. You're asking my client to volunteer for things and refusing to answer that basic question. Really?

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Sent:** Monday, November 16, 2020 4:21 PM

**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Why is that your concern?

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]

**Sent:** Monday, November 16, 2020 7:20 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

That doesn't answer my question, which I've asked about three times now. Has Ambac actually hired its own actuary or not?

**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Sent:** Monday, November 16, 2020 2:31 PM

**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

We intend to have people with actuarial expertise involved.

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]

**Sent:** Monday, November 16, 2020 3:37 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Andrew, does those professionals include actuary or not?

Thanks,

Frank

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Sent:** Monday, November 16, 2020 11:57 AM

**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Our firm would do the interview. We would have financial professionals involved.

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]

**Sent:** Monday, November 16, 2020 2:06 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

Andrew,

I'm new to the party here and can't speak to all the history. Milliman may be a witness, but it isn't a party in interest like I understand Ambac to be. Also, I never said I wouldn't have a call with you; I asked you for details in advance of that call, after your initial e-mail asking for a meet-and-confer call (to a non-party that hasn't received discovery) out of the blue. Two questions I still need answers to tee this up with my client: who are you proposing would "interview" Milliman, and would that include an actuary? Related, does Ambac have its own actuary reviewing Milliman's work?

Please let me know the answers to those questions and I will respond to the rest of your e-mail.

Thanks,

Frank

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Sent:** Monday, November 16, 2020 8:50 AM  
**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

Frank,

On at least 5 separate occasions, Ambac was offered the opportunity by counsel to AAFAF, who is part of this e-mail chain, to interview a representative of Milliman concerning Puerto Rico's pension liabilities. It is now clear that that offer was never authorized by Milliman and that we were misinformed about this opportunity, which is both perplexing and disappointing.

I disagree with your contention that Milliman is "not involved" in Puerto Rico's Title III cases. The Commonwealth's pension liabilities are the largest single class of claims in the Title III cases, and your client's estimate of those liabilities is specifically referenced in the Commonwealth's Disclosure Statement for the Plan of Adjustment. We are thus seeking documents and testimony concerning Milliman's methodologies and analysis by which it estimated these pension liabilities (as set forth in the attachment hereto). While we were amenable to proceeding with AAFAF's proposed "interview" between Milliman and Ambac as a potential narrowing mechanism, we had asked AAFAF for confirmation from your client that any such interview would be without prejudice to Ambac's ability to seek formal discovery from Milliman in the future. We were hoping to proceed on a voluntary basis to avoid expense for all parties, but the fact that you will not even entertain a conference call to discuss this matter suggests that Ambac should seek formal discovery now.

Please confirm by the close of business on Wednesday whether your client is willing to proceed with the interview and/or provide documents concerning its pension analysis on a voluntary basis. Ambac will be filing a motion under Rule 2004 to seek these documents if we cannot reach an agreement.

Thanks.

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]  
**Sent:** Friday, November 13, 2020 6:52 PM  
**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

Andrew:

My client, Milliman, isn't involved like your client in this proceeding, so whatever you can share in the way of background would help advance things. What you've sent below raises more questions than answers and was not at all what I've expected. First of all, are you asking me to ask my client to voluntarily agree in advance to discovery requests it hasn't seen, and then suggesting you will move to compel responses from discovery not yet served?

Related, on the offer you're attributing to AAFAF (which I wasn't around for and don't know my client's reaction to), what financial and legal representatives of Ambac are you referencing, and do those include any actuaries? What "pension analysis" are you referring to? And are you seeking to take a deposition of Milliman, or are you proposing to have some kind of informal alternative to a deposition?

If you can't do better now, I'm not about to run up my client's bill trying to tease this out.

Frank

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Sent:** Friday, November 13, 2020 12:13 PM  
**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

Here is the background, which is what I wanted to discuss.

Ambac would like to obtain information concerning Milliman's analysis of the major pension liabilities in the Title III cases. We have a subpoena prepared that has not been served on Milliman. We can provide you with those requests if you are willing to provide the discovery on a voluntary basis. Otherwise, we will seek relief from the Title III court to compel this information.

AAFAF had indicated to us that a representative of Milliman could be made available on an informal basis to discuss its pension analysis with Ambac's financial and legal representatives. If that offer stands, we would like to discuss logistics and timing.

Thanks.

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**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]  
**Sent:** Friday, November 13, 2020 3:07 PM  
**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

Andrew:

I'm asking for something more concrete to prepare and run by my client in advance. As I understand it, my client has not received any formal discovery requests, and I'm not about to run up a bill on a "meet and confer" call in the abstract.

Frank

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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>  
**Sent:** Friday, November 13, 2020 12:04 PM  
**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>  
**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>  
**Subject:** RE: Ambac/Milliman

There's background here, so can we please schedule a call to discuss this?

---

**From:** Harrison, Frank [<mailto:FHarrison@williamskastner.com>]  
**Sent:** Friday, November 13, 2020 3:03 PM

**To:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>; Paslawsky, Alexandra <[APaslawsky@milbank.com](mailto:APaslawsky@milbank.com)>; Pocha, Madhu <[mpocha@omm.com](mailto:mpocha@omm.com)>

**Subject:** RE: Ambac/Milliman

**\*\*EXTERNAL EMAIL\*\***

Andrew:

What discovery requests? I was copied on something else recently with another law firm for Ambac, and I asked that law firm for a specific ask to relay to my client.

Frank

**Frank S. Harrison**

**Williams Kastner** | Attorney at Law  
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Seattle, WA 98101-2380  
P: 206-628-2789 | F: 206-628-6611  
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**From:** Andrew K. Glenn <[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)>

**Sent:** Friday, November 13, 2020 9:40 AM

**To:** Harrison, Frank <[FHarrison@williamskastner.com](mailto:FHarrison@williamskastner.com)>

**Cc:** Olga Lucia Fuentes Skinner <[OFuentes@kasowitz.com](mailto:OFuentes@kasowitz.com)>; Marissa E. Miller <[memiller@kasowitz.com](mailto:memiller@kasowitz.com)>

**Subject:** Ambac/Milliman

We represent Ambac in relation to pension matters in Puerto Rico's Title III case. Please let us know your availability to meet and confer concerning Ambac's proposed discovery requests to Milliman.

Thanks,

Andrew

Andrew K. Glenn  
Kasowitz Benson Torres LLP  
1633 Broadway  
New York, New York 10019  
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Fax. (212) 835-5047  
[AGlenn@kasowitz.com](mailto:AGlenn@kasowitz.com)

This e-mail and any files transmitted with it are confidential and may be subject to the attorney-client privilege. Use or disclosure of this e-mail or any such files by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please notify the sender by e-mail and delete this e-mail without making a copy.